

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6682

BILL NUMBER: SB 227

NOTE PREPARED: Jan 2, 2010

BILL AMENDED:

SUBJECT: Department of Correction Disciplinary Hearings.

FIRST AUTHOR: Sen. Taylor

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- A. It establishes at each Department of Correction (DOC) correctional facility an independent disciplinary hearing board consisting of three members appointed by the Governor.
- B. It requires the Governor to appoint an independent hearing officer at each DOC correctional facility.
- C. It provides that a confined offender charged with misconduct may select two (rather than just one) lay advocates to represent the offender in a disciplinary hearing.
- D. It amends various provisions relating to the ability of a confined offender to confront and cross-examine witnesses and receive evidence at a disciplinary hearing.

Effective Date: July 1, 2010.

Explanation of State Expenditures: *Independent Hearing Officer*— This provision would require the DOC to either add a minimum of 15 new employees or reassign staff from several of the facilities to perform these hearings. The added costs are estimated to be \$697,000 per year.

Under current law and practice, the DOC uses either correctional officers or correctional counselors to conduct the disciplinary hearings when offenders violate rules of conduct. Depending on the facility, correctional officers conduct hearings for less serious violations and counselors will conduct them for more serious ones.

As proposed, independent hearing officers would be required to review conduct reports, conduct screening hearings, conduct disposition hearings, and upon the request of a person charged with misconduct determine

whether the evidence exists, and if the evidence exists, provide the evidence to the independent disciplinary hearing board.

Based on discussions with a correctional counselor and a correctional officer at two different facilities it was found that two full-time officers are used to conduct disciplinary hearings at the Indiana State Prison. Based on the number of hearings that are reported each year at the Indiana State Prison, DOC would likely need to hire an additional 15 hearing officers for DOC's facilities, assuming some hearing officers may be shared between facilities. These hearing officers may not be employed by DOC when they are appointed. The added costs are estimated to be \$697,000 per year, which includes salaries, fringe benefits, and indirect costs.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: DOC.

Local Agencies Affected:

Information Sources: DOC.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.